

114TH CONGRESS
1ST SESSION

S. 146

To authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2015

Mr. FLAKE (for himself, Mr. LEE, Mr. MCCAIN, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Access to Public
5 Land Guarantee Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) public land in the United States is managed
9 and administered for the use and enjoyment of
10 present and future generations;

11 (2) the National Park System (including Na-
12 tional Parks, National Monuments, and National
13 Recreation Areas) is managed for the benefit and in-
14 spiration of all the people of the United States;

15 (3) the National Wildlife Refuge System is ad-
16 ministered for the benefit of present and future gen-
17 erations of people in the United States, with priority
18 consideration for compatible wildlife-dependent gen-
19 eral public uses of the National Wildlife Refuge Sys-
20 tem;

21 (4) the National Forest System is dedicated to
22 the long-term benefit of present and future genera-
23 tions; and

24 (5) the reopening and temporary operation and
25 management of public land, the National Park Sys-

tem, the National Wildlife Refuge System, and the National Forest System using funds from States and political subdivisions of States during periods in which the Federal Government is unable to operate and manage the areas at normal levels due to a lapse in appropriations is consistent with the values and purposes for which those areas were established.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED UNIT.—The term “covered unit” means—

(A) public land;

(B) units of the National Park System;

(C) units of the National Wildlife Refuge System; or

(D) units of the National Forest System.

(2) PUBLIC LAND.—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to land under the jurisdiction of the Secretary of the Interior; or

1 (B) the Secretary of Agriculture, with re-
 2 spect to land under the jurisdiction of the Sec-
 3 retary of Agriculture.

4 **SEC. 4. AGREEMENT TO KEEP PUBLIC LAND OPEN DURING**
 5 **A GOVERNMENT SHUTDOWN.**

6 (a) IN GENERAL.—Subject to subsection (b), if a
 7 State or political subdivision of the State offers, the Sec-
 8 retary shall enter into an agreement with the State or po-
 9 litical subdivision of the State under which the United
 10 States may accept funds from the State or political sub-
 11 division of the State to reopen, in whole or in part, any
 12 covered unit within the State or political subdivision of
 13 the State during any period in which there is a lapse in
 14 appropriations for the covered unit.

15 (b) APPLICABILITY.—The authority under subsection
 16 (a) shall only be in effect during any period in which the
 17 Secretary is unable to operate and manage covered units
 18 at normal levels, as determined in accordance with the
 19 terms of agreement entered into under subsection (a).

20 (c) REFUND.—The Secretary shall refund to the
 21 State or political subdivision of the State all amounts pro-
 22 vided to the United States under an agreement entered
 23 into under subsection (a)—

24 (1) on the date of enactment of an Act retro-
 25 actively appropriating amounts sufficient to main-

1 tain normal operating levels at the covered unit re-
2 opened under an agreement entered into under sub-
3 section (a); or

4 (2) on the date on which the State or political
5 subdivision establishes, in accordance with the terms
6 of the agreement, that, during the period in which
7 the agreement was in effect, fees for entrance to, or
8 use of, the covered units were collected by the Sec-
9 retary.

10 (d) VOLUNTARY REIMBURSEMENT.—If the require-
11 ments for a refund under subsection (c) are not met, the
12 Secretary may, subject to the availability of appropria-
13 tions, reimburse the State and political subdivision of the
14 State for any amounts provided to the United States by
15 the State or political subdivision under an agreement en-
16 tered into under subsection (a).

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